

### **REMARKS**

Applicant thanks the Examiner for the remarks and analysis contained in the Office Action. Claims 1, 3, 12, 13, 15 and 16 are amended. Claims 2, 5, 18 and 21 are cancelled. New claims 23-28 are added. Support for the amendment to the independent claims can be found, for example, in paragraphs 24 and 25 on page 5 of the specification. Support for the new claims can be found in paragraph 16 on page 3 and paragraph 19 on page 4 of the specification, for example. Applicant respectfully request reconsideration of this application. Applicant thanks the Examiner for the courtesies extended to Applicant's representative during the telephone interview on April 1, 2004. During that interview the two *Albrecht, et al.* references were discussed and a proposed amendment corresponding to the amendments presented above was also discussed.

Applicant respectfully traverses the rejections based upon the *Albrecht, et al.* DE 198 58 259 reference. The arrangement in the *Albrecht, et al.* '259 reference relies upon cheek elements 5 and the saw tooth configuration 4 of the exterior of the carrier element 3 to provide a mechanical locking feature that locks the carrier element 3 in the position of Figure 1 of that reference, for example. Applicant's claims, on the other hand, rely exclusively upon pressure within a hydraulic ram as the only source of a maintaining force to maintain the claimed moveable portion in the extended position. Accordingly, there is no anticipation.

Applicant further submits that it cannot be considered obvious to modify the arrangement of either of the *Albrecht, et al.* references that have been applied against the claims in this application. The '259 reference includes the mechanical lock of the cheek elements and the saw tooth surface 4. It cannot be considered obvious to modify that

reference to include a hydraulic ram with a locking inlet port as claimed by Applicant because that would be redundant at best and there would be no motivation for making such a modification to the *Albrecht, et al.* '259 reference. The claims cannot be considered obvious in view of the previously cited *Albrecht, et al.* '499 reference because, as previously pointed out, that reference includes a pressure spring 33 that operates in an opposite direction of the claimed biasing member. There is no motivation for modifying that reference in a manner to be consistent with Applicant's claimed invention.

Applicant encloses proposed changes to Figures 2-4, which make them more completely consistent with each other. No new matter is added. The seal 60 and weld 64 shown in Figures 3 and 4 are added to Figure 2. The reference number 54 is added to Figures 3 and 4 as already shown in Figure 2. Lastly, the moveable portion 44 in Figure 4 is better represented.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application. Applicant's representative can be contacted at the telephone number indicated below.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

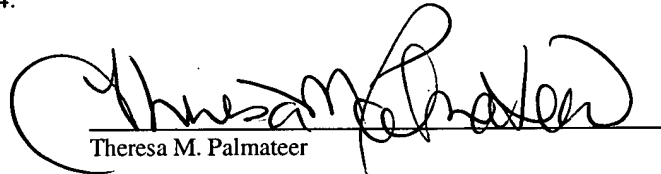
Dated: April 2, 2004

By: 

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**CERTIFICATE OF MAILING**

I hereby certify that the enclosed Amendment is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on April 2, 2004.

  
Theresa M. Palmateer

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